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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yutaka OSAWA et al.

Group Art Unit: 2834

Application No.: 10/574,698

Examiner: T. LAM

Filed: April 11, 2006

Docket No.: 127381

For: ARMATURE OF ROTARY ELECTRIC MACHINE AND MANUFACTURING
METHOD THEREOF

**RESPONSE TO RESTRICTION REQUIREMENT
AND ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the September 2, 2008 Restriction Requirement, Applicants provisionally elect Group I, claims 1-10 and 21-22. In reply to the September 2, 2008 Election of Species Requirement, Applicants provisionally elect Species A, Figs. 1-5. Applicants assert that at least claims 1 and 4 read on the elected species. Both elections are made with traverse.

Applicants respectfully traverse the Restriction Requirement and the Election of Species Requirement because the requirements were improperly asserted. The Office Action asserts the Restriction Requirement and the Election of Species Requirement under 35 U.S.C. §121. However, this Application is the U.S. National Phase of PCT/JP2004/015181 submitted under 35 U.S.C. §371. Unity of invention is therefore applicable.

When making a lack of unity of invention requirement, the Examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special

technical feature in each group. See 37 C.F.R. §1.499 and MPEP §1893.03(d). Requirement (2) was clearly not satisfied because the Restriction Requirement and the Election of Species Requirement were made under 35 U.S.C. §121.

Thus, withdrawal of the Restriction Requirement and the Election of Species Requirement is respectfully requested because Applicants were not afforded an opportunity to review the Examiner's lack of unity of invention argument and make an appropriate election in view of this Examiner's argument.

Respectfully submitted,



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Date: October 2, 2008

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